

Clifton House
Fitzwilliam Street
Dublin 2

14 July 2011

Dr Eoin O'Dell
Chairperson
DJEI Copyright Review Committee
Department of Jobs, Enterprise and Innovation
23 Kildare Street
Dublin 2

Dear Dr. O'Dell and Committee Members,

Review of Copyright and Related Rights Act 2000 – Call for input and committee work

We are writing to welcome the important and newsworthy work of the Committee at a critical time in the nation's future.

ALTO represents Alternative Telecom Operators in the Irish market, many of whom are heavily engaged in the provision of robust consumer and enterprise Internet and communications services throughout Ireland and in most cases globally.

Many of ALTO's members attended the Committee's meeting earlier this month and the feedback was very positive in terms of your work.

We have certain concerns in relation to the Copyright debate, specifically protecting the (innocent) intermediary service provider by means of eCommerce Directive Defences (Hosting, Caching and *mere conduit*) outlined in Statutory Instrument 68 of 2003 stemming from Directive 2000/31/EC.

While we know that we have the benefit of those Defences at law, we believe that the Defences have come under significant strain due to an inability of certain intellectual property rights holders to move with the markets or indeed the times. These legal strains and failures have led to many innocent ISPs and telecom providers being subject to protracted and expensive litigation that in most cases is baseless and misdirected.

ALTO is committed to and fundamentally believes in the protection of the rights of users to access and other human rights, as outlined in the Communications New Regulatory Framework Directive 2009/140/EC, Article 1 3a.

ALTO is yet to publically announce a position in relation to the concept of Fair Use and proposed future modifications to the current Irish law or the treatment of same.

We are however very interested in the work of the Committee and hope to engage in elements of the development of other areas of law relating to:

1. Database Rights;

2. Online Copyright (to include elements of Defamation) and the protection of Users, Intermediaries and Publishers; and
3. Developments in Intellectual Property Rights (whether at EU or national level) since the 2000 Act.

We remain at your disposal should you have any questions concerning the issues raised in this letter and we hope to input fully to your consultation process when it begins formally later this year.

Yours Sincerely,

Ronan Lupton
Chairman – ALTO
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